THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :22787 of 2007

DATED:29-10-2007

BETWEEN:

Gollapalli Bujjamma & 2 others.

..... PETITIONERS

AND

The Govt. of A.P.,
Rep., by its Principal Secretary to Revenue Department,
Saifabad,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 1st respondent in not granting stay order on petitioners' petition filed along with Revision Petition, dated 11-10-2007, against the order in D.Dis.E2/1752/2006, dated 17-09-2007, on the file of the 2nd respondent, as illegal and arbitrary.

4. It is the case of the petitioners that the 1st petitioner is the assignee of an extent of Ac.3.00 in Sy.No.106/11; 2nd petitioner is an assignee of Ac.3.50 cents in Sy.No.106/6; and 0.25 cents in Sy.No.106/7; and 3rd petitioner is an assignee of 0.33 cents in Sy.No.106/12 assigned by proceedings, dated 20-03-1997. While so, on a report submitted by the 3rd respondent-Revenue Divisional Officer, Kandukur about the ineligibility of the petitioners, the 2nd respondent-Joint Collector, Ongole, in exercise of the powers conferred under the Board Standing Orders 15(18)(1) cancelled the assignment order on the ground that the petitioners are not eligible for assignment of the said lands.

5. It is stated that against the said order passed by the 2nd respondent, exercising the revisional powers under the Board

Standing Orders 15(18)(1) petitioners filed a revision before the Government under the Board Standing Orders 15(18)(2) along with the stay application but even before the revision is disposed of, respondents 3 and 4 are taking steps to dispossess the petitioners.

6. It is further stated that the petitioners are the landless poor persons; entitled for assignment; and after conducting necessary enquiry only the said lands have been assigned and without giving reasonable opportunity the 2nd respondent while exercising the revisional powers cancelled the assignment orders.

7. I am not inclined to express any opinion on the merits of the case as a revision is pending under the Board Standing Orders 15(18)(2) before the Government alongwith the stay application, and this being the case cancelling the assignment orders after ten years of the assignment, it is just and proper to protect the interest of the petitioners pending disposal of the revision.

8. Having regard to the facts and circumstances Writ Petition is disposed of directing the 1st respondent to consider and dispose of the main revision itself filed on 11-10-2007 after giving reasonable opportunity to the petitioners and pending disposal of the revision *status quo* obtaining as on today with regard to possession shall be maintained. There shall be no order as to costs.

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V.ESWARAIAH,J

29th October, 2007.

Note:

Issue operative portion of

the order by wire at party’s costs.

B/o

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